

JAN 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HENDRICK W. HAYNES,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 07-35183

D.C. No. CV-06-01558-MJP

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, District Judge, Presiding

Submitted December 17, 2008^{**}

Before: GOODWIN, WALLACE, and RYMER, Circuit Judges.

Hendrick W. Haynes appeals pro se from the district court's judgment dismissing for failure to state a claim his action against the United States, raising patent, antitrust, and civil rights claims. We lack jurisdiction to hear the appeal.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

See Animal Legal Defense Fund v. Quigg, 900 F.2d 195, 196-97 (9th Cir. 1990)

(holding that this Court lacks jurisdiction over an appeal when the case involves patent issues, which are within the exclusive jurisdiction of the United States Court of Appeals for the Federal Circuit). We therefore dismiss.

Haynes’s “motion to divide complaint” is denied. *See* 28 U.S.C.

§ 1295(a)(1) (“The United States Court of Appeals for the Federal Circuit shall have *exclusive jurisdiction* . . . of an appeal from a final decision of a district court of the United States . . . if the jurisdiction of that court was based, in whole or *in part*, on section 1338[.]”) (emphasis added).

DISMISSED.